IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22271 of 2007(B)

CRA.301/2007 of ADDL.D.C. & ADDL.MACT,ALAPPUZHA.

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PETITIONER:

C.A.UNNIKRISHNAN, S/O. APPUGUPTAN,
CHEMPAMPADATHU VEEDU, ILIVILASSERY P.O.,
MANNARKKADU TALUK, PALAKKAD DISTRICT.
ACTUAL ADDRESS: VAKKADAPPURAM P.O.,
VIA KARAKURISSY, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.A.F.SEBASTIAN

RESPONDENTS:

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1. C.O.CHACKO, S/O. VARGHESE OOMMEN,
PEEDIKAPARAMBIL HOUSE, PUTHENKAVU MURI,
CHENGANNUR VILLAGE, ALAPPUZHA.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY GOVT. PLEADER SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.(C).No. 22271 of 2007 B

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Dated this the 19th day of July, 2007

JUDGMENT

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the N.I. Act. He preferred an appeal. The learned Sessions Judge admitted the appeal and directed suspension of the sentence on condition that the petitioner executes a bond for Rs.50,000/- and deposits an amount of Rs.50,000/- before the trial court within two months. The petitioner waited for those two months. Thereafter, he filed an application for extension of time. Indulgently one months further time has been granted. Now the petitioner has come to this Court praying that the said condition may be deleted. Bonafides is not a virtue that I can invent at the hands of the petitioner. However, I take note of the submission of the learned counsel for the petitioner that if the said conditions were not modified the petitioner will face the unenviable predicament of suffering imprisonment before the appeal is taken up for consideration. I am satisfied that appropriate safeguards can be provided.

2. This Writ Petition is accordingly allowed in part. There shall be a direction that if the petitioner deposits an amount of Rs.10,000/- within a period of 15 days from this date and applies to the Sessions Judge for expeditious disposal of the appeal, the learned Sessions Judge shall dispose of the appeal within a further period of 45 days. The sentence shall not be executed till then.

3. Issue copy of the judgment today itself.

(R. BASANT)
Judge

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